

So as we see agency problems in corporate economy are the result of absentee ownership, and probably nowadays the best strategy for Ukrainian corporations is a combination of efficiency wages and creation of coercive conditions.

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THE IMPLEMENTATION OF STRASBOURG'S JUDGMENTS IN UKRAINE

The Convention for the Protection of Human Rights and Fundamental Freedoms – drafted and enacted in 1950 under the aegis of the Council of Europe – establishes a charter of rights and freedoms which are protected by the Court of Human Rights in Strasbourg (ECHR).

The domestic status of the Convention is higher than that of any law or even constitutional law. The question is whether the Convention is applied as frequently as the Constitution or laws. Before assessing the jurisprudence itself it is necessary to analyse an existing mechanism for application of the laws of the country, particularly the mechanism for application of the Convention, and whether such a mechanism is well constructed and adequate to the legal system of the country. Also it is necessary to have an effective and well-controlled system with which to implement statutory norms.

Apparently, in terms of implementation of international law in general and the Convention in particular, such a mechanism is under development. It is not possible to apply the Convention without looking at the corresponding decisions of the Court. According to Article 92 of the Constitution of Ukraine, the Law of Ukraine "On Execution of Judgments and Application of Case-Law of the European Court of Human Rights" was adopted in order to develop the mentioned constitutional and international provisions. This law binds courts when considering cases to apply the Convention and the case law of the ECHR as a source of law (paragraph 1 of Article 17) and indicates the binding nature of execution by Ukraine of judgments against Ukraine (Article 2). It shall be mentioned that in the history of the constitutional jurisdiction of Ukraine the effect of the ECHR case-law for the first time was recognized in the Decision of the Constitutional Court of Ukraine dated December 29, 1999 No. 11- rp/99 (case on death penalty).

For the purposes of implementation of Ukraine's commitments under the decision of the European Court in the case of "Yuriy Ivanov v. Ukraine" the Parliament of Ukraine adopted the Law of Ukraine "On State Guarantees for the Implementation of Court Decisions" (No. 4901 of 5 June 2012, comes into force on 1 January 2013). Implementation of these decisions is carried out in order and terms set by the Law of Ukraine "On Execution of Judgment and Application of Case-Law of the European Court of Human Rights".

The Constitution and laws of Ukraine bind the state to consider judgments of the European Court of Human Rights. Thus, Article 55 of the Constitution stipulates the constitutional right of every person after exhausting all domestic legal remedies to appeal for the protection of his or her rights and freedoms to the relevant international judicial institutions (paragraph four). Ensuring and implementation of this right is directly connected to signing and ratification of the Convention by Ukraine in 1997 which, according to Article 9 of the Constitution of Ukraine, became a part of the national legislation of the state. This fact conditioned the expansion of the jurisdiction of the ECHR to Ukraine and obligation of the state to execute final judgments of the ECHR in any cases to which it was a party pursuant to the requirements of Article 46 of the Convention.

Although, according to Article 46 of the European Convention on Human Rights, it is the Committee of Ministers which supervises the execution of Court judgments, the Assembly and national parliaments must now play a much more pro-active role in this respect; if this is not done, the key role of the Convention, its supervisory mechanism and the Council of Europe as a whole, in guaranteeing the effective protection of human rights in Europe is likely to be put in jeopardy. The Assembly has therefore decided to give priority to the examination of major structural problems

concerning cases in which extremely worrying delays in implementation have arisen, at this moment in nine States Parties: Bulgaria, Greece, Italy, Moldova, Poland, Romania, the Russian Federation, Turkey and Ukraine.

Ukraine must adopt a comprehensive strategy to tackle the situation in which a considerable amount of domestic final judgments remain unenforced, despite significant pressure from the Committee of Ministers, and to implement an effective domestic remedy. Ukraine must also accelerate domestic judicial proceedings, reform criminal procedure and ensure the full independence and impartiality of judges. In addition, measures are needed to combat the abuse of force by police officers and ensure effective investigation into allegations of such ill-treatment.

The Ukrainian law has had beneficial results with respect to individual measures, but problems of political will remain. To address these problems, the state signed a memorandum of understanding in 2010 with the rapporteur for PACE's Legal Affairs Committee, indicating parliament would also monitor compliance pro-actively. Coding this intention into law has taken time, however, and parliament has not yet passed amendments (drafted in 2012) to strengthen parliamentary control of implementation. These amendments would expand parliamentary oversight of the execution of judgments with respect to general measures. For instance, they would require to send its proposal to the Verkhovna Rada as well as the Cabinet of Ministers and require annual reporting on implementation by the government agent, including making proposals on legislative amendments required by Strasbourg judgments. Such amendments would seek to remedy, to some extent, criticisms that have been raised as to the "ill-defined powers

vis-à-vis the Government,"which limit its capacity to initiate legislative changes consistent with Strasbourg judgments.

Thus, the result of the mentioned influence is the development of the legal system of Ukraine within the framework of the European legal tradition with account of current natural and legal approaches and humanistic values.

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LEGISLATIVE CONSOLIDATION OF ETHIC AND MORAL PRINCIPLES IN CRIMINAL PROCEDURE LAW OF ENGLAND

Ethic and moral principles characterize the way authorities use their powers in criminal proceedings and the way they shall conduct in relation to citizens. Regardless of many existing legal standards, codes and other subordinate acts which regulate the conduct of subjects, moral aspects in criminal procedure remain disputable. Of course there should not be any contradictions between legal rules and moral and ethic principles. The function of ethic principles is to provide sufficient grounds for adoption of certain rules. That is why ethic and moral principles are fundamental and the majority of them underlie the *European Convention for the Protection of Human Rights and Fundamental Freedoms*.

The United Kingdom having signed the document the *Convention for the Protection of Human Rights and Fundamental Freedoms* undertook the obligation to observe the ethic principles provided by this document. Accordingly the main ethic and moral principles are contained in provisions and articles of the Convention.

The Convention was signed in 1950 and entered into force in 1953. It was ratified by all member countries of the Council of Europe including Great Britain. The Convention consolidates such rights and freedoms as freedom of expression, religion, peaceful assemblies etc. At the same time there are a lot of rules in the Convention which relate to criminal proceedings. First of all it is *Article 3* which declares the right to human treatment. The article also states that no one shall be subjected to torture or inhuman treatment that humiliates human dignity.

The article concerning the right to compensation to victims of crimes is equally important for criminal proceedings. The right itself is the subject of civil law but at the moment the system of penal justice makes moves towards the policy of providing guarantees for victims in obtaining compensation. The particular feature of criminal proceedings in England is that a court can independently regulate the amount of compensation.

Also the right to inadmissibility of punishing an innocent person is provided. It is absolutely wrong to imprison a person or limit this person's